

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHARMAINE HIBBERT,

Plaintiff,

-against-

MONTEFIORE MEDICAL CENTER,

Defendant.

23-CV-9589 (LTS)

ORDER DIRECTING PAYMENT OF FEES
OR AMENDED IFP APPLICATION

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff brings this action *pro se*. To proceed with a civil action in this Court, a plaintiff must either pay \$402.00 in fees – a \$350.00 filing fee plus a \$52.00 administrative fee – or, to request authorization to proceed in forma pauperis (“IFP”), that is, without prepayment of fees, submit a signed IFP application. *See* 28 U.S.C. §§ 1914, 1915.

Plaintiff submitted an IFP application, but she has not provided sufficient information to allow the Court to determine whether she is unable to pay the filing fees. Plaintiff states that she is unemployed, but does not answer the questions on the form asking her to provide her last date of employment and her gross monthly wages at that time. (*See* ECF 2, at 1.) She further states that she has no source of income, but does not answer the question asking her to explain how she is paying her monthly expenses. Finally, Plaintiff writes “N/A” in response to the questions on the application asking her to state the amount of money she has in cash or a bank account; any property she owns; her monthly expenses, including expenses for housing, transportation, and utilities; and any people who are dependent on her for support. Plaintiff does state, however, that she has an unspecified amount of debt in the form of credit card bills, student loans, and medical bills.

Because Plaintiff provides insufficient information about her living expenses and how she is meeting them without any source of income, the Court is unable to conclude, without additional information, that Plaintiff is unable to afford the filing fees.

Accordingly, within thirty days of the date of this order, Plaintiff must either pay the \$402.00 in fees or submit an amended IFP application. If Plaintiff submits an amended IFP application, she should provide answers to all relevant questions on the application and allege facts to establish that she is unable to pay the filing fees. The amended IFP application should be labeled with docket number 23-CV-9589 (LTS). If the Court grants the amended IFP application, Plaintiff will be permitted to proceed without prepayment of fees. *See* 28 U.S.C. § 1915(a)(1).

No summons shall issue at this time. If Plaintiff complies with this order, the case shall be processed in accordance with the procedures of the Clerk's Office. If Plaintiff fails to comply with this order within the time allowed, the action will be dismissed.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: November 29, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge